REMARKS

Claims 1, 2 and 9 are amended. Claim 10 is added. Claims 1-10 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

I. Claims Rejected Under 35 U.S.C. § 103(a)

A. Claims 1 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,615,266 issued to Altschuler ("Altschuler").

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Claims 1 and 9, as amended, include the elements of "a) generating a token including a token header, the token header being based on a data having the lowest occurrence of generation among the voice data outputted from a vocoder of the wireless communication terminal." Applicants submit that Altschuler does not teach or suggest at least this element.

Altschuler discloses sending an auto-secure request using a distinctive tone (col. 4, lines 59-64). The distinctive tone is a tone reserved for the auto-secure request. Thus, the distinctive tone does not occur anywhere in the voice data transmitted from a vocoder. Thus, the distinctive tone can be determined even before a voice data packet is transmitted.

The distinctive tone is patentably different from the claimed token header based on a data having a lowest occurrence of generation among the voice data. The data forming the token header occurs in the voice data with the lowest number of occurrences. Thus, the token header is determined among the voice data packets that have been transmitted for a period of time (see, e.g., Applicants' specification at page 6, lines 17-27). Thus, the distinctive tone cannot teach or suggest the claimed token header.

Moreover, Altschuler does not teach or suggest a token header. Altschuler also does not teach or suggest distinguishing token data from voice packet data using a

token header. The distinctive tone disclosed by <u>Altschuler</u> does not have a header portion. Thus, <u>Altschuler</u> does not teach or suggest each of the elements of Claims 1 and 9.

Accordingly, reconsideration and withdrawal of the § 103 rejection of Claims 1 and 9 are requested.

B. Claims 2-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Altschuler</u> in view of U.S. Patent No. 6,889,321 issued to Kung ("<u>Kung</u>").

Claims 2-8 depend from Claim 1 and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, <u>Altschuler</u> does not teach or suggest each of the elements of these claims.

<u>Kung</u> does not cure the deficiencies of <u>Altschuler</u>. <u>Kung</u> discloses forming an encryption key which activates a secure communication. However, <u>Kung</u> does not teach or suggest a token header based on the data having the lowest occurrence of generation among the voice data. Thus, <u>Altschuler</u> in view of <u>Kung</u> does not teach or suggest each of the elements of the claims. Accordingly, reconsideration and withdrawal of the § 103 rejection of Claims 2-8 are requested.

Claim 10 is added to depend from Claim 1 and to include the additional patenable feature of "combining the data, by a predetermined length, that have the lowest occurrence of generation in probability among the voice data to form the token header." The cited references do not teach or suggest this additional feature. Thus, for the reasons mention above in regard to Claim 1 and for this additional reason, allowance of claim 10 is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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